

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

PAMELA BUSBY,

Plaintiff,

-against-

5:15-cv-1007 (LEK/ATB)

SYRACUSE CITY SCHOOL DISTRICT,

Defendant.

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**ORDER**

This matter comes before the Court following a Report-Recommendation filed on August 20, 2015, by the Honorable Andrew T. Baxter, U.S. Magistrate Judge, pursuant to 28 U.S.C. § 636(b) and Local Rule 72.3. Dkt. No. 5 (“Report-Recommendation”).

Within fourteen days after a party has been served with a copy of a magistrate judge’s report-recommendation, the party “may serve and file specific, written objections to the proposed findings and recommendations.” FED. R. CIV. P. 72(b); L.R. 72.1(c). If no objections are made, or if an objection is general, conclusory, perfunctory, or a mere reiteration of an argument made to the magistrate judge, a district court need review that aspect of a report-recommendation only for clear error. *Barnes v. Prack*, No. 11-CV-0857, 2013 WL 1121353, at \*1 (N.D.N.Y. Mar. 18, 2013); *Farid v. Bouey*, 554 F. Supp. 2d 301, 306-07 & 306 n.2 (N.D.N.Y. 2008); see also *Machicote v. Ercole*, No. 06 Civ. 13320, 2011 WL 3809920, at \*2 (S.D.N.Y. Aug. 25, 2011) (“[E]ven a *pro se* party’s objections to a Report and Recommendation must be specific and clearly aimed at particular findings in the magistrate’s proposal, such that no party be allowed a second bite at the apple by simply relitigating a prior argument.”). “A [district] judge . . . may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C.

§ 636(b).

No objections were filed in the allotted time period.<sup>1</sup> See Docket. Accordingly, the Court has reviewed the Report-Recommendation for clear error and has found none.

Accordingly, it is hereby:

**ORDERED**, that the Report-Recommendation (Dkt. No. 5) is **APPROVED and ADOPTED in its entirety**; and it is further

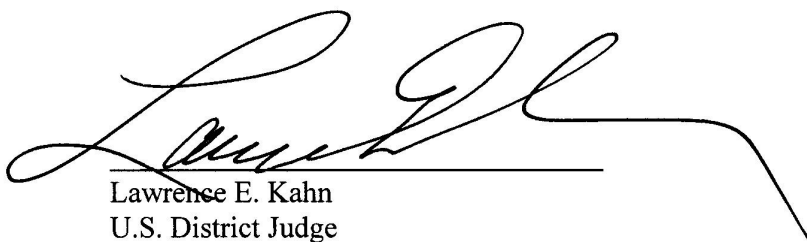
**ORDERED**, that the Complaint (Dkt. No. 1) is **DISMISSED without prejudice** for failure to state a claim under 28 U.S.C. § 1915(e)(2)(B)(ii); and it is further

**ORDERED**, that the Clerk of the Court forward the proposed Amended Complaint (Dkt. No. 6) to U.S. Magistrate Judge Andrew T. Baxter for initial review; and it is further

**ORDERED**, that the Clerk of the Court serve a copy of this Order on all parties in accordance with the Local Rules.

**IT IS SO ORDERED.**

DATED:       October 05, 2015  
                  Albany, NY

  
Lawrence E. Kahn  
U.S. District Judge

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<sup>1</sup> It should be noted that Plaintiff filed a proposed Amended Complaint on September 10, 2015 in response to the Report-Recommendation. Dkt. No. 6. With the adoption of the Report-Recommendation in full, the Court accepts the proposed Amended Complaint as the operative pleading in this action.